



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

REC
Docket No: 00438-12
15 October 2012

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2012. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

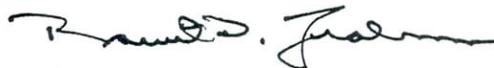
You reenlisted in the Marine Corps on 27 September 1979, after serving honorably for over seven years. On 22 July 1981, you were convicted by a general court-martial (GCM) of assault with intent to commit murder. You were sentenced to a reduction in pay grade, and confinement at hard labor for two months. On 11 April 1983, you were enrolled in an alcohol rehabilitation program. However, you were dropped from the treatment program due to your refusal to participate. On 30 November 1983, you provided a urine sample that tested positive for wrongful use of marijuana. Administrative separation action was initiated by reason of misconduct (drug abuse). You requested to have your case heard by an administrative discharge board (ADB), and then later waived your right. Your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct (drug abuse). On 7

June 1984, the discharge authority directed an OTH discharge by reason of misconduct (drug abuse). On 25 June 1984, you received the OTH discharge due to misconduct (drug abuse). At that time you were assigned an RE-3B reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of conviction by a GCM and positive urinalysis for wrongful use of marijuana. The Board noted that you waived your right to an ADB, your best opportunity for retention or a more favorable characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



For W. DEAN PFEIFFER
Executive Director